

**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM FOR SAFE  
HARBOR AGREEMENTS (SHA)**

**May 19, 2009**

**(Preliminary Determination)**

**I. Project Information**

**A. Project name:**

Oregon Chub Programmatic Safe Harbor Agreement with the Oregon Department of Fish and Wildlife (Agreement)

**B. Affected species:**

Oregon Chub (*Oregonichthys crameri*).

**C. Project Size:**

The covered area or geographic scope of this Agreement includes all non-federal properties in the Willamette Valley between Oregon City and Oakridge, Oregon, the estimated historical distribution of the species.

**D. Brief project description including conservation elements of the plan:**

The Fish and Wildlife Service (Service) proposes to enter into this Agreement with the Oregon Department of Fish and Wildlife (Permittee) to benefit the federally-listed as endangered Oregon chub. The purpose of this Agreement is to protect existing populations of Oregon chub, to establish new populations of Oregon chub as refugia for natural populations and to increase the abundance, distribution and survival of existing natural populations through voluntary habitat improvements or protections on private land. Under this Agreement the Oregon Department of Fish and Wildlife would be issued a section 10(a)(1)(A) permit that would allow for incidental take of Oregon chub that may occur during management activities. The Agreement would authorize the Oregon Department of Fish and Wildlife (ODFW) to extend incidental take coverage with assurances to eligible landowners who are willing to carry out habitat management measures that would benefit the Oregon chub by enrolling them under the Agreement as Cooperators through issuance of Certificates of Inclusion. Incidental take of Oregon chub would be permitted if the landowners decide to return their lands back to the original environmental baseline conditions established when they sign on to the Agreement. In most cases, the environmental baseline is anticipated to be zero (i.e., no habitat and no Oregon chub present). The landowners would sign separate cooperative agreements effective for 10 years. The term of the permit and Agreement is 30 years.

**II. Does the SHA fit the criteria as described in the SHA policy?**

**A. Are the effects of the SHA less than significant on the range-wide population of**

**federally-listed, proposed, or candidate species or other wildlife and their habitats covered under the SHA?**

Yes. This Agreement will have minor or negligible harmful effects along with beneficial effects on the Oregon chub and its habitat. Most of the properties that are likely to be enrolled in the Agreement will have a baseline of zero for the Oregon chub. The permit may result in take of the Oregon chub if the property is returned to baseline conditions. However, avoidance and minimization measures have been incorporated into the Agreement in the form of monitoring, notification, and removal of individuals to other refugia, if appropriate, prior to returning to baseline conditions to reduce the potential for incidental take to occur.

**B. Are the effects of the SHA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.)?**

Yes. The Agreement will have minor or negligible cumulative impacts on other environmental values and resources. The project will occur on private lands and may involve limited ground disturbance associated with habitat restoration and fish introduction. Activities normally conducted on the rural residential, private lands (e.g., forestry, livestock grazing, landscaping) will be negligibly influenced by the conservation activities prescribed in the Agreement.

The project is not anticipated to have any effects on cultural resources due to screening for cultural resources and very limited ground surface disturbance when restoring habitat and introducing fish. Cultural resource compliance will be completed prior to any ground disturbance at sites.

**C. Would the impacts of this SHA, considered together with the impacts of other past, present and reasonably foreseeable projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?**

Yes. The Agreement will have only minor or negligible harmful cumulative impacts to environmental values or resources due to limited ground disturbance during habitat restoration and fish introduction.

**III. Do any of the exceptions to categorical exclusions apply to this SHA? (From 516 DM 2.3, Appendix 2) *If the answer is "yes" to any of the questions below, the project can not be categorically excluded from NEPA. Each "no" response should include an explanation.***

**Would implementation of the SHA:**

**A. Have significant adverse effects on public health or safety?**

No adverse effects on public health are anticipated from management activities and the introduction of Oregon chub on private lands.

**B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?**

No adverse effects are anticipated, on park, recreation, refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, or known historic or cultural resources. Cultural resources compliance will be completed for projects under this Agreement.

**C. Have highly controversial environmental effects?**

No. As previously noted, no additional controversial environmental effects are anticipated from management activities and introduction of Oregon chub.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?**

No unique or unknown environmental risks are anticipated from management activities or introduction of Oregon chub on these private lands. The areas in which these activities are likely to occur have usually been previously disturbed for rural residential and agricultural land uses.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No. We do not anticipate the Agreement will establish a precedent for future action with potentially significant environmental effects. The ODFW has previously worked with landowners in the area to assist in habitat management activities and introduction of Oregon Chub; the activities included in this Agreement are similar to those on-going activities. If this Agreement leads to additional increased habitat for the Oregon chub on private lands, the Agreement also allows landowners to return their lands to baseline conditions. Any future safe harbor agreements will be evaluated based upon the information available at that time, and the specific area and actions involved.

**F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?**

No. The Agreement is not directly related to other actions that would have significant cumulative effects. This Agreement is intended to address multiple landowners in a geographic area who are willing to engage in similar management activities. No other Agreements are proposed or anticipated at this time.

**G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?**

No. The activities proposed under the Agreement involve minor ground disturbance. The properties will be evaluated as to whether they are listed or eligible to be listed on the National Register of Historic Places and potential impacts to these properties will be avoided. We anticipate no adverse effects.

**H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?**

No. The intent of the Agreement is to conduct management activities and introduce Oregon chub to encourage the establishment of new populations as refugia for natural populations. These management activities are intended to benefit this species. Critical habitat has not been designated for the Oregon chub. Actions taken under the Agreement would potentially improve the quality of any future proposed critical habitat and create conditions that would establish primary constituent elements where they are currently lacking. There are no other known listed species or critical habitats in the area that would be adversely affected by the activities undertaken by the Agreement. There is no evidence that the presence of the Oregon chub would adversely affect other listed or proposed species or designated critical habitat for those species.

**I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?**

No, the Agreement is not expected to adversely affect wetlands or floodplains. In addition, this Agreement is not considered a water development project.

**J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?**

No. The Agreement is not expected to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

**IV. ENVIRONMENTAL ACTION STATEMENT**

Based on the analysis above, this Agreement meets the qualifications for Safe Harbor Agreements whose implementation represents a class of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents: Intra-Service Formal Consultation for Issuance of an Endangered Species Act Section 10(a)(1)(A) Permit for the proposed Oregon Chub Programmatic Safe Harbor Agreement with Oregon Department of Fish and Wildlife.

Concurrence:

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State Supervisor

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Date